

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COYNESS L. ENNIX, JR.,

Case No. C-07-02486 WHA (JCS)

Plaintiff(s),

v.

ORDER RE MOTION TO COMPEL
[Dockets No. 114]

RUSSELL D STANTEN, ET AL.,

Defendant(s).

The Court has received a joint letter dated November 29, 2007, which the Court interprets as a motion to compel (the "Motion"). The Motion came on for hearing on December 7, 2007, at 9:30 a.m. Andrew Sweet appeared as counsel for Plaintiff; Matthew P. Vandall appeared as counsel for Defendant Alta Bates Summit Medical Center. Good cause appearing, and for the reasons stated on the record, IT IS HEREBY ORDERED that the Motion is GRANTED IN PART and DENIED IN PART as follows:

1. The motion to compel the production of opinions concerning the quality of Plaintiff's care at the Summit Medical Center between January 1, 2004, and July 31, 2006, (the "Opinions") is GRANTED IN PART. Such opinions prepared before the final peer review decision at issue in this case shall be produced.
2. The motion to compel documents regarding the peer review at the Alta Bates Campus is DENIED without prejudice. Defendant is ORDERED to produce information on whether the 27 decision-makers involved in Plaintiff's peer review at issue in this case were also involved in the peer review process at the Alta Bates Campus before the time period January 1, 2004, through July 31, 2006. The parties are ORDERED to meet and confer regarding the period of time for which this information will be produced.

3. The motion to require Defendant to produce the racial makeup of the medical staffs is DENIED without prejudice. Based on the current showing, Defendant need not produce information concerning the racial makeup of the medical staff at the Alta Bates Campus. The parties are ORDERED to meet and confer and devise a joint method of determining the racial makeup of the medical staff at the Summit campus.

Dated: December 7, 2007